

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-5 were pending in this application. By way of this reply, claim 5 has been cancelled without prejudice or disclaimer and claims 6-13 have been added to the application. Accordingly, claims 1-4 and 6-13 are now pending in this application. Claims 1 and 2 are independent. The remaining claims depend, directly or indirectly, from claim 1 or claim 2.

Claim Amendments

Independent claim 1 has been amended to correct minor errors and to clarify that an operation display lamp is turned on when the apparatus body is in operation and turned off when the apparatus body is not in operation. Claim 4 has been similarly amended. Further, claims 2 and 3 have been amended to correct minor errors. No new matter has been added by way of these amendments, as support for these amendments is present in the claims as filed.

New Claims

By way of this reply, claims 6-13 have been added to the application to further define the claimed invention. Specifically, claims 6-13 have been added, in various combinations, to specify that executing the starting sequence comprises initializing an integrated circuit of each block of the digital broadcast receiving apparatus, that the control means counts the number of power source operations inputted during execution of the starting sequence, and

that the starting sequence is stopped during a latency period after execution of and before completion of the starting sequence. No new matter has been added by way of new claims 6-13, as support for claims 6-13 may be found, for example, in paragraphs [0029] and [0030] of the Specification as published.

Rejection(s) under 35 U.S.C. § 103

Claims 2 and 3

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being obvious over Applicant's Admitted Prior Art ("AAPA"), Japanese Patent No. JP-3,275,878. Claims 2 and 3 have been amended as discussed above. To the extent that this rejection may still apply to the claims as amended, this rejection is respectfully traversed.

One or more embodiments of the claimed invention are directed to a digital broadcast receiver capable of executing a power source operation input even during execution of a starting sequence (*see, e.g.*, publication of the Specification, paragraph [0008]). As noted in paragraph [0007] of the Specification as published, a delay often occurs between when a power operation is started and when the device becomes operational. Further, once the starting sequence of a power operation is executed, a user has to wait until this latency period has passed (*i.e.*, after the device is fully started and operational) before it is possible to interrupt the power source of the device (*see, e.g.*, publication of the Specification, paragraph [0007]).

Thus, in one or more embodiments of the invention, control part 7 of the digital broadcast receiving apparatus 1 counts the number of power source operations during the time required for completing the starting sequence. Dependent on the number of power source operations counted, no operation may be performed, the starting sequence may be completed, or the starting sequence may be interrupted and execution of an ending sequence may be started

before the starting sequence is complete (*see, e.g.,* publication of the Specification, paragraphs [0030]-[0032]).

Accordingly, independent claim 2 requires control means for (i) starting execution of a starting sequence when a power source operation is inputted at a time of stopping the apparatus body and (ii) stopping the starting sequence to start execution of an ending sequence when the power source operation is inputted during starting execution of the starting sequence.

AAPA, in contrast to the present invention, does not show or suggest at least the above limitations of the claimed invention. Specifically, AAPA does not show or suggest at least that the starting sequence is stopped to start execution of an ending sequence when the power source operation is inputted during starting execution of the starting sequence. In contrast to the claimed invention, AAPA merely discloses that a sound or image may be displayed during the aforementioned latency period during startup of a digital broadcast receiving apparatus (*see, e.g.,* publication of the Specification, paragraph [0006]).

Further, in clear contrast to AAPA (*see, e.g.,* publication of the Specification, paragraphs [0007]-[0008]), the Examiner has asserted that it would be clearly obvious to allow a user to initiate, stop, or interrupt any power up/down by pressing an appropriate key (*see* Office Action dated July 20, 2006, at page 3). However, based on AAPA, it would be clear to one skilled in the art that a user cannot stop execution of a starting sequence to start execution of an ending sequence when a power source operation is inputted during the starting sequence execution. The Examiner appears to be using personal knowledge to show obviousness of explicit limitations of the claimed invention that are not taught or suggested by the cited prior art. To the extent that the Examiner is relying on personal knowledge as the basis of this rejection, Applicant respectfully requests that the Examiner, pursuant to 37 C.F.R. §1.104(d)(2),

supply a declaration setting forth specific factual statements and explanation to support such a finding so that these facts can be appropriately cross-examined and rebutted.

In view of the above, AAPA, fails to show or suggest the invention as recited in independent claim 2. Thus, independent claim 2 is patentable over AAPA. Claim 3, directly or indirectly dependent from claim 2, is allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1, 4, and 5

Claims 1, 4, and 5 are rejected under 35 U.S.C. § 103(a) as being obvious over AAPA in view of U.S. Patent Application Publication No. 2002/0186325 in the name of Mears *et al.* ("Mears"). Claim 5 has been cancelled without prejudice or disclaimer. Thus the rejection is now moot with respect to claim 5. Claims 1 and 4 have been amended as discussed above. To the extent that this rejection may still apply to the claims as amended, this rejection is respectfully traversed.

As discussed above, one or more embodiments of the present invention are directed to a digital broadcast receiver capable of executing a power source operation input even during execution of a starting sequence. Accordingly, independent claim 1 requires control means for (i) starting execution of a starting sequence when a power source operation is inputted at a time of stopping the apparatus body and (ii) stopping the starting sequence to start execution of an ending sequence when the power source operation is inputted during starting execution of the starting sequence.

AAPA, as discussed above and in contrast to the present invention, does not show or suggest at least a control means as required by the claimed invention. Specifically, AAPA does not show or suggest at least that a starting sequence is stopped to start execution of an

supply a declaration setting forth specific factual statements and explanation to support such a finding so that these facts can be appropriately cross-examined and rebutted.

In view of the above, AAPA, fails to show or suggest the invention as recited in independent claim 2. Thus, independent claim 2 is patentable over AAPA. Claim 3, directly or indirectly dependent from claim 2, is allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1, 4, and 5

Claims 1, 4, and 5 are rejected under 35 U.S.C. § 103(a) as being obvious over AAPA in view of U.S. Patent Application Publication No. 2002/0186325 in the name of Mears *et al.* ("Mears"). Claim 5 has been cancelled without prejudice or disclaimer. Thus the rejection is now moot with respect to claim 5. Claims 1 and 4 have been amended as discussed above. To the extent that this rejection may still apply to the claims as amended, this rejection is respectfully traversed.

As discussed above, one or more embodiments of the present invention are directed to a digital broadcast receiver capable of executing a power source operation input even during execution of a starting sequence. Accordingly, independent claim 1 requires control means for (i) starting execution of a starting sequence when a power source operation is inputted at a time of stopping the apparatus body and (ii) stopping the starting sequence to start execution of an ending sequence when the power source operation is inputted during starting execution of the starting sequence.

AAPA, as discussed above and in contrast to the present invention, does not show or suggest at least a control means as required by the claimed invention. Specifically, AAPA does not show or suggest at least that a starting sequence is stopped to start execution of an

ending sequence when the power source operation is inputted during starting execution of the starting sequence.

Mears also does not show or suggest at least the above limitations of the claimed invention. Further, Mears does not show or suggest at least that which AAPA lacks. This is evidenced by the fact that Mears is relied on only in an attempt to render obvious limitations related to a display lamp (*see, e.g.*, Office Action dated July 20, 2006, at page 3). In contrast to the claimed invention, Mears is directed to selectively illuminating or turning off a light source that distracts a viewer. Even when the light source is turned off, the lamp may indicate a status of the device such as a failure of a projection lamp (*see* Mears, abstract). It would be clear to one skilled in the art that Mears is not directed to turning on or off the power of a receiving apparatus as required by the claimed invention.

In view of the above, AAPA and Mears, whether taken separately or in combination, fail to show or suggest the invention as recited in independent claim 1. Thus, independent claim 1 is patentable over AAPA and Mears. Claims 4 and 5, directly or indirectly dependent from claim 1, are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

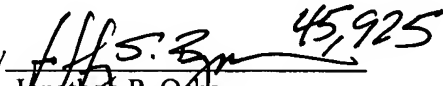
Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04995/133001).

Dated: October 13, 2006

Respectfully submitted,

By


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Application No. (if known): 10/762,435

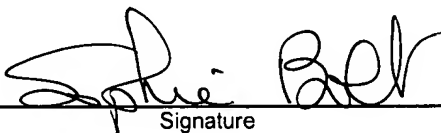
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Reply under 37 C.F.R. § 1.111 (to Office Action dated July 20, 2006)
(10 pages)
Amendment Transmittal (1 page)